

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MA&UD Deptt., - Sri T.Brahmaiah, Sanitary Inspector, Ongole Municipality - Appointment as Municipal Commissioner, Grade.III under Physically Handicapped quota against Direct Recruitment vacancy of Group.II Services Notification No.10/99 - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (A2) DEPARTMENT

G.O.Ms.No. 456

Dated:14-07-2009.

Read the following:

- 1.From the Asst. Registrar, APAT, order dated 9-3-2005 in O.A.No.9917/2001 filed by Sri T.Brahmaiah.
- 2.From the C&DMA., A.P., Hyderabad 12653/2001/A3, dated 3-12-2007.
- 3.Govt. Letter No.3310/A2/2008, MA&UD (A2) Deptt., dated 28-5-2008.
- 4.From the Secretary, APPSC, Letter No.453/RS-23/2/2002, dated 11-8-2005.
- 5.From the Secretary, APPSC, Letter No.453/RS-23/2/2002, dated 16-10-2008.
6. From the C&DMA, A.P., Hyd. Lr. No. 12653/2001/A3, dated 20.5.2009.

ORDER:

In the reference 2nd read above, the C&DMA., A.P., Hyderabad has stated that Sri T.Brahmaiah, Sanitary Inspector, has filed O.A.No.3828 of 2001 before the A.P.Administrative Tribunal praying to issue directions to consider his name to the post of Municipal Commissioner, Grade.III under Physically Handicapped quota in the 6th vacancy and the A.P.Administrative Tribunal in its order dated 15-6-2001 directed the respondent to examine the representation of the individual dated 2-5-2001, in accordance with the rules and pass appropriate orders within a period of 2 weeks.

2. Accordingly, the Commissioner & Director of Municipal Administration has given a reply to the individual informing that the 6th point in respect of Multi Zone-I was already crossed prior to issue of G.O.Ms.No.357, GAD, dated 23-6-1989, as such no candidate was selected under Physically Handicapped quota. Aggrieved by the above, the individual has filed another O.A.No.9917/2001 and the Hon'ble A.P.A.T., in its order dated 9-3-2005 directed to consider his case for appointment as Municipal Commissioner, Grade.III under the Physically Handicapped quota and pass appropriate orders, since there is no other person is claiming a right by approaching the Tribunal.

3. The individual has made a representation to the Commissioner and Director of Municipal Administration to appoint him as Municipal Commissioner, Grade.III as per the orders of Hon'ble APAT in O.A.No.9917/2001. The Commissioner & Director of Municipal Administration vide his Procs., dated 31.3.2006 has informed the individual that he is not qualified for interview and therefore he is not considered under Physically Handicapped quota and moreover A.P. Public Service Commission is the authority to make the recruitment. The Commissioner and Director of Municipal Administration has filed Writ Petition No.28227/2005 in the High Court questioning the orders of the APAT in O.A.No.9917/2001.

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4. The individual has again filed O.A.No.2318/2007, in the APAT questioning the proceedings, dated 31-3-2007 of the Commissioner & Director of Municipal Administration. The Legal Advisor of O/o Commissioner & Director of Municipal administration has offered the opinion as follows;

"That it is a fit case to be considered. At the first instance, the Respondent ought to have notified the vacancies which was earmarked partially for the Physically Handicapped persons. It is appropriate on the part of respondents to genuinely consider the case of the applicant in appointing him as Grade.III Municipal Commissioner.

As the Writ Petition filed by the Respondent is still pending on the file of the Hon'ble High Court, if desired the appropriate orders could be passed after its disposal".

5. The Government Pleader (Services.I), A.P.High Court who was consulted in the matter has also opined that the opinion of Legal Advisor, O/o C&DMA., A.P., Hyderabad is appropriate and it is for the Department and the Government to consider the individual's case on over all view of the above facts, however, subject to result of writ petition.

6. The Commissioner and Director of Municipal Administration, A.P., Hyderabad has requested to issue necessary orders **in consultation with the APPSC** on the opinion of the Legal Advisor, O/o C&DMA and the Government Pleader (Ser.I), A.P.High Court for appointment of Sri T.Brahmaiah, Sanitary Inspector as Municipal Commissioner, Grade.III under Physically Handicapped quota in direct recruitment of APPSC Group.II Examinations, Advt.No.10/99.

7. Subsequently, the C&DMA, A.P., Hyderabad in his letter 6th read above, has stated that the Govt. Pleader for Services-I has been requested to withdraw the W.P. No. 28227/2005 as and when it is listed so as to enable to take further course of action in the matter. The Hon'ble High Court in its orders dated 20.4.2009 have accorded permission to withdraw the said W.P. and dismissed the writ petition as withdrawn.

8. In view of the circumstances reported by the C&DMA., in the reference 2nd and 6th read above and also keeping in view the orders of the Hon'ble APAT in O.A.No.9917/2001, Government after careful examination of the matter, hereby order for appointment of Sri T.Brahmaiah, Sanitary Inspector, Ongole Municipality as Municipal Commissioner, Grade.III (Direct Recruitment) under Physically Handicapped quota in the 6th vacancy earmarked for P.H. Candidate in Group.II examination vide notification No.10/99, subject to outcome of O.As./W.Ps., Pending in the APAT/ High Court of Andhra Pradesh and the individual shall not claim any seniority by virtue of this order.

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9. The Commissioner and Director of Municipal Administration, A.P., Hyderabad is requested to take necessary action, accordingly.

10. This order issues with the concurrence of Finance (SMPC) Department, vide their U.O.No.14670/727/A3/SMPC/2009, dated 3.6.2009 and Law Department vide their U.O.No.4360/A/2009, dated 8.7.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
Dr.C.V.S.K.SARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner and Director of Municipal Administration,
A.P., Hyderabad.

The individual through C&DMA., A.P., Hyd.,

Copy to:

The Accountant General, A.P., Hyderabad.

The P.S. to Hon'ble Chief Minister.

The P.S. to Hon'ble M(MA).

The P.S. to Principal Secretary to Govt., MA&UD Deptt.,

The Govt. Pleader for MA&UD Deptt., High Court of A.P., Hyderabad.

The Govt., Pleader for MA&UD Deptt., A.P.A.T, Hyderabad.

The Secretary, A.P.P.S.C., Hyderabad.

The Law (A) Department.

SF/SC

// Forwarded by Order //

SECTION OFFICER